

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L.W. and A.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DOWAN MANSFIELD,

Respondent-Appellant,

and

LEIGH ANN WESAW,

Respondent.

UNPUBLISHED

January 24, 2003

No. 241862

Kent Circuit Court

Family Division

LC No. 00-000626-NA

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor Indian child L.W. under MCL 712A.19b(3)(g). We affirm.

On appeal, respondent-appellant challenges only the trial court's findings under the state statute and raises no challenges under the federal Indian Child Welfare Act (ICWA), 25 USC 1901 *et seq.* The trial court did not clearly err in finding that MCL 712A.19b(3)(g) was established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that respondent-appellant was continually incarcerated from five days after the child's birth through the termination hearing and would remain incarcerated for an indefinite period of time. Respondent-appellant had never provided care or custody for the child and had only seen the child at most four times, when the child was a newborn infant.

Further, because at least one ground for termination was established, the trial court was required to terminate respondent-appellant's parental rights unless it found that termination was

clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). The trial court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Jessica R. Cooper
/s/ Richard A. Bandstra
/s/ Michael J. Talbot